

REMARKS

Status of the claims:

With the above amendment, claims 44, 64, 65, 80, and 81 have been amended. Claims 26-42, 44, 46, 48, and 50-84 are pending with claims 26-42 and 66-84 having been withdrawn from a prior restriction requirement. Thus, claims 44, 46, 48, and 50-65 are ready for further action on the merits. No new matter has been added by way of the above amendments. Support for the amendment to claim 44 can be found at page 11, lines 28-33. Claims 64, 65, 80, and 81 have been amended to conform to U.S. practice. Entry of the amendment and reconsideration is respectfully requested in light of the following remarks.

Examiner Interview

Applicants and Applicants representative would like to thank the Examiner for meeting for an Interview on October 14, 2003 and for the Examiner's input as to how to overcome the art of record. The gist of the Interview is as appears in the Interview Summary form.

Rejections under 35 USC §103

Claims 44, 46, 48, and 51-65 have been rejected under 35 USC §103(a) as being unpatentable over Ross '243 (US Patent No. 5,525,243) in view of Jensen '806 (US Patent No. 5,958,806).

Claim 50 has been rejected under 35 USC §103(a) as being unpatentable over Ross '243 in view of Jensen '806 and further in view of Haffner '470 (US Patent No. 5,514,470) or Connell '142 (US Patent No. 5,509,142) or Wiley '736 (US Patent No. 5,494,736).

Applicants traverse.

Applicants, in an effort to expedite prosecution, have amended independent claim 44 to recite that the instant invention contains a water-insoluble ester that is present at 35-65%, a mineral oil present at 35-65% and an ethoxylated alcohol present at 0.5-3%. This is not disclosed or suggested in any of Ross '243, Jensen '806, Haffner '470, Connell '142 or Wiley '736. Accordingly, Applicants believe that all the rejections have been obviated. Withdrawal of the rejection is warranted and respectfully requested.

However, Applicants still believe that the Examiner is erroneously interpreting Ross '243. The Examiner asserts that Ross '243 does disclose a hydrophobic lubricant (i.e., tridecyl stearate). However, it was previously shown in a 37 CFR §1.132 declaration that Ross '243 in Example VI discloses a finish composition that contains tridecyl stearate (at 45 weight %) that is not hydrophobic. Thus, Applicants have shown that the instant invention discloses unexpected results over the closest example in Ross '243.

The Examiner asserts that because tridecyl stearate is hydrophobic, one would expect the composition in Example VI of Ross '243 to produce a hydrophobic fiber. However, it was previously shown that the composition of Example VI was not hydrophobic. Applicants submit that the instant invention discloses and claims a hydrophobic finish, which makes it unexpectedly superior for use in, for example, diapers and feminine hygiene products, to the non-hydrophobic composition disclosed in Ross '243.

Thus, Applicants reserve the right to file a divisional application on the broader subject matter with claim 44 as it appeared prior to the instant amendment. Applicants submit that claim 44 prior to amendment was also patentable as the cited references all failed to disclose the elements of claim 44 prior to the instant amendment.

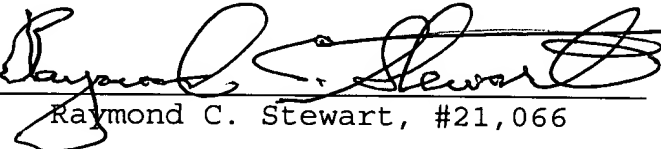
With the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact Applicant's representative, T. Benjamin Schroeder (Reg. No. 50,990), in the Washington metropolitan area at the phone number listed below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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